

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 2658**  
**OFFERED BY MS. CLARKE OF NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Federal Protective  
3 Service Improvement and Accountability Act of 2011”.

**4 SEC. 2. FEDERAL PROTECTIVE SERVICE INSPECTORS AND**  
**5 CONTRACT OVERSIGHT FORCE.**

6       (a) IN GENERAL.—The Homeland Security Act of  
7 2002 (6 U.S.C. 101 et seq.) is amended by adding at the  
8 end the following:

**9 “TITLE XXI—FEDERAL**  
**10 PROTECTIVE SERVICE**

**11 “SEC. 2101. FEDERAL PROTECTIVE SERVICE INSPECTORS**  
**12 AND CONTRACT OVERSIGHT FORCE.**

**13 “(a) INSPECTORS.—**

**14 “(1) IN GENERAL.—**The Secretary shall main-  
**15 tain** no fewer than 1,350 full-time equivalent posi-  
**16 tions** in the Federal Protective Service inspector  
**17 force**, who shall be fully trained Federal law enforce-  
**18 ment** officers.

1           “(2) CLASSIFICATION.—The Secretary shall  
2       classify the positions in the inspector force in the  
3       following 2 functional categories:

4           “(A) FACILITY SECURITY ASSESSMENT.—  
5       Federal Facility Security Officers, who shall be  
6       responsible for—

7           “(i) performing facility security as-  
8       sessments, including contract guard post  
9       inspections;

10          “(ii) making security countermeasure  
11       recommendations for facilities;

12          “(iii) participating in security training  
13       and disseminating homeland security infor-  
14       mation, consistent with applicable protocols  
15       and protections, to building occupants and  
16       facility security guards, including contract  
17       guards; and

18          “(iv) assessing, on an ongoing basis,  
19       the security of each facility protected by  
20       the Federal Protective Service and the ex-  
21       tent to which security countermeasure rec-  
22       ommendations have been implemented for  
23       each such facility.

1           “(B) SECURITY ENFORCEMENT AND IN-  
2           VESTIGATIONS.—Law enforcement officers, who  
3           shall be responsible for—

4                   “(i) patrolling and on-site monitoring  
5                   of the physical security, including perim-  
6                   eter security, of each facility;

7                   “(ii) investigations; and

8                   “(iii) physical law enforcement in the  
9                   event of a terrorist attack, security inci-  
10                  dent, or other incident.

11          “(b) CONTRACT OVERSIGHT.—

12               “(1) IN GENERAL.—The Secretary shall estab-  
13               lish the Federal Protective Service contract oversight  
14               force, which shall consist of full-time equivalent posi-  
15               tions and who shall be responsible for, in coordina-  
16               tion with the Federal Protective Service inspector  
17               force—

18                   “(A) monitoring contracts, contractors,  
19                   and contract guards provided by contractors;

20                   “(B) performing annual evaluations of the  
21                   persons holding contracts for supplying contract  
22                   guards to the Federal Protective Service; and

23                   “(C) verifying that contract guards have  
24                   necessary training and certification.

1 “(2) LIMITATION ON PERFORMANCE OF FUNC-  
2 TIONS.—The contract oversight functions described  
3 in paragraph (1) shall not be performed by law en-  
4 forcement officers or individuals employed pursuant  
5 to subsection (c).

6 “(3) UNIFORM MINIMUM STANDARDS.—

7 “(A) IN GENERAL.—Not later than one  
8 year after the date of enactment of the Federal  
9 Protective Service Improvement and Account-  
10 ability Act of 2011, the Secretary shall estab-  
11 lish minimum training and certification stand-  
12 ards for security guard services at facilities pro-  
13 tected by the Federal Protective Service.

14 “(B) LIMITATION.—Upon establishment of  
15 minimum training and certification standards,  
16 the Secretary, acting through the Director of  
17 the Federal Protective Service, shall require  
18 that all contracts for security guard services  
19 comply with these standards.”.

20 (b) CLERICAL AMENDMENT.—The table of contents  
21 in section 1(b) of such Act is amended by adding at the  
22 end the following:

“TITLE XXI—FEDERAL PROTECTIVE SERVICE

“Sec. 2101. Federal Protective Service inspectors and contract oversight  
force.”.

1 **SEC. 3. COMPLIANCE WITH INTERAGENCY SECURITY COM-**  
2 **MITTEE MINIMUM SECURITY STANDARDS.**

3 It is the sense of Congress that the security standards  
4 for Federal facilities established by the Interagency Secu-  
5 rity Committee in the document entitled “Physical Secu-  
6 rity Criteria for Federal Facilities: An Interagency Secu-  
7 rity Committee Standard”, as approved by concurrence of  
8 the Committee membership on April 12, 2010, should be  
9 implemented for all Federal facilities for which they were  
10 issued.

11 **SEC. 4. RESEARCH.**

12 (a) IN GENERAL.—Within 6 months after the date  
13 of enactment of this Act, the Secretary of Homeland Secu-  
14 rity, acting through the Director of the Federal Protective  
15 Service, shall commence a 1-year pilot program to re-  
16 search the advantages of converting guard positions at the  
17 highest-risk Federal facilities protected by the Federal  
18 Protective Service from contract guard positions to posi-  
19 tions held by Federal employees.

20 (b) REQUIREMENTS.—At a minimum, the Secretary  
21 shall conduct the research pilot program at one level III  
22 facility and one level IV facility in each of Federal Protec-  
23 tive Service regions I, III, V, and VII by hiring individuals  
24 to fill guard positions at each facility that participates in  
25 the research pilot in accordance with subsection (c).

1 (c) FEDERAL FACILITY SECURITY GUARD POSI-  
2 TION.—

3 (1) IN GENERAL.—For purposes of this section,  
4 and subject to the availability of appropriations, the  
5 Secretary, acting through the Director, shall estab-  
6 lish and hire individuals for a Federal facility secu-  
7 rity guard position.

8 (2) TRAINING.—The Secretary shall provide to  
9 individuals employed in that position training in—

10 (A) performing the physical security for a  
11 Federal facility, including access point controls  
12 and security countermeasure operations;

13 (B) participating in information sharing  
14 and dissemination of homeland security infor-  
15 mation, consistent with applicable protocols and  
16 protections; and

17 (C) responding to specific security inci-  
18 dents, including preparing for and responding  
19 to an act of terrorism, that can occur at Fed-  
20 eral facilities, including response with force if  
21 necessary.

22 (3) LAW ENFORCEMENT OFFICERS NOT RE-  
23 QUIRED.—The Secretary may not require that indi-  
24 viduals employed in such position be Federal law en-  
25 forcement officers.

1       (d) TEMPORARY ASSIGNMENTS.—The Secretary may  
2 assign, on a temporary basis, existing personnel employed  
3 by the Federal Protective Service, on a temporary basis,  
4 to facilities that participate in the research pilot program  
5 to perform security guard services in furtherance of the  
6 pilot program, if the Secretary determines that individuals  
7 cannot be hired and trained pursuant to subsection (c) in  
8 a timely manner.

9       (e) MAINTENANCE OF LAW ENFORCEMENT PER-  
10 SONNEL.—Notwithstanding any other provision of this  
11 section, the Secretary shall maintain at each highest-risk  
12 Federal facility protected by the Federal Protective Serv-  
13 ice (level III and level IV facilities) such number of Fed-  
14 eral law enforcement officers as is necessary to provide  
15 arrest authority and law enforcement support at that facil-  
16 ity, including support for the Federal facility security  
17 guards employed under this section, in the event of a ter-  
18 rorist attack, security incident or other incident.

19       (f) GAO REPORTS.—The Comptroller General of the  
20 United States shall—

21           (1) periodically review and report to Congress  
22       on the performance by Federal facility security  
23       guards under the pilot program; and

24           (2) upon completion of the pilot program, sub-  
25       mit a final report to the Committee on Homeland

1 Security of the House of Representatives and the  
2 Committee on Homeland Security and Governmental  
3 Affairs of the Senate evaluating whether or not the  
4 performance of individuals in the Federal facility se-  
5 curity guard positions was satisfactory, that—

6 (A) evaluates—

7 (i) the extent to which the Federal  
8 Protective Service ensures that individuals  
9 serving in the Federal facility security  
10 guard capacity have the required training  
11 and certifications before being deployed to  
12 a Federal facility;

13 (ii) the extent to which the Federal  
14 Protective Service ensures that individuals  
15 in the Federal facility security guard ca-  
16 pacity comply with post orders once they  
17 are deployed at Federal facilities; and

18 (iii) the extent to which security  
19 vulnerabilities exist that the Comptroller  
20 General determines are related to the per-  
21 formance of the functions of the Federal  
22 security guard positions; and

23 (B) compares such evaluation results  
24 against the results of previous Comptroller Gen-  
25 eral reports evaluating the performance and



1 oversight of the Federal Protective Service's  
2 contract guard program.

3 (g) IMPLEMENTATION.—If the Comptroller General  
4 states in the final report under subsection (f)(2) that the  
5 Federal facility security guards employed in the position  
6 established under subsection (c) are performing satisfac-  
7 torily, the Secretary shall replace contract guards at all  
8 highest risk Federal facilities protected by the Federal  
9 Protective Service (level III and level IV facilities) with  
10 Federal employees hired as Federal facility security  
11 guards.

12 (h) GAO EVALUATION OF THE FEDERAL PROTEC-  
13 TIVE SERVICE FEE-BASED FUNDING SYSTEM.—The  
14 Comptroller General of the United States shall submit to  
15 the Committee on Homeland Security of the House of  
16 Representatives and the Committee on Homeland Security  
17 and Governmental Affairs of the Senate a review the fee-  
18 based funding system in use by the Federal Protective  
19 Service and, as appropriate, issue recommendations for al-  
20 ternative approaches to fund the agency in furtherance of  
21 the agency's operations, including the execution of its  
22 homeland security and protection missions. The review  
23 shall include—

1           (1) an assessment of the extent to which the  
2           current fee-based system fully funds the agency's ac-  
3           tivities;

4           (2) an assessment of the extent to which the  
5           system is properly designed to ensure that the fees  
6           charged to occupants of facilities guarded by the  
7           agency are sufficient and appropriate;

8           (3) an assessment of the extent to which the  
9           fee-based system impedes the agency from executing  
10          its operations and implementing oversight, inspec-  
11          tions, and security enhancements; and

12          (4) recommendations, as appropriate, for alter-  
13          ations to the current system and alternative funding  
14          approaches (including a mix of fees and appropria-  
15          tions).

16          (i) AUTHORIZATION OF APPROPRIATIONS.—There  
17          are authorized to be appropriated for fiscal years 2012,  
18          2013, and 2014 such sums as are necessary for purposes  
19          of this section.

